

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 11-26 are presently active in this case. The present Amendment amends Claims 11, 15 and 20 without introducing any new matter.

The outstanding Office Action rejected Claims 25-26 under 35 U.S.C. §112, second paragraph, as indefinite. Claims 11-15, 18-22 and 24-26 were rejected under 35 U.S.C. §103(a) as unpatentable over Suonvieri (U.S. Patent No. 6,718,158, herein “Suonvieri ‘158”) in view of Sounvieri (U.S. Patent No. 6,571,284, herein “Suonvieri ‘284”). Claims 16-17 and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over Suonvieri ‘158 in view of Suonvieri ‘284 in view of Hazeltine et al. (Internet publication of GEG-Marconi, herein “Hazeltine”).

The December 28, 2005 Advisory Action indicated that the rejection of Claims 25-26 under 35 U.S.C. §112, second paragraph, was overcome, but maintained the rejections of Claims 11-26 under 35 U.S.C. §103(a).

To clarify Applicant’s invention, independent Claims 11 and 20 are amended to recite that the dummy station is “configured to materialize into a real station.” This feature finds non-limiting support in the Specification as originally filed, for example at page 6, lines 32-35. Further, Claim 15 is amended to recite “allocating resources of the dummy station to the at least one relay station, by a local activation of the allocating in the dummy station.” This feature also finds non-limiting support in the Specification as originally filed, for example at page 3, lines 3-15.

In light of the amendments to independent Claims 11 and 20, Applicant respectfully requests reconsideration of the rejections under 35 U.S.C. §103(a) and traverses the rejection, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in independent Claim 11, relates to a process for keeping and/or restoring communications within a network with planned resources, wherein the network includes stations arranged in at least one group, wherein each group includes at least two stations linked together, and links between the at least two stations can change with time. The process includes, *inter alia*, the step of: associating a dummy station to one of the groups, the dummy station including different resources ***and configured to materialize into a real station***, wherein the different resources are allocated to the stations in the groups.

As explained in Applicant's Specification at page 2, lines 11-26 with corresponding Figure 1, Applicant's invention can improve upon background processes for keeping and restoring communications, because the continuity of communication services between mobile stations can be ensured.

Turning now to the applied references, Suonvieri '158 discloses a method of monitoring the operation of a cellular radio system, including base stations and a repeater 1, the repeater being configured to repeat signals sent by a base station BSC on traffic channels.¹ Suonvieri '158's cellular radio system further includes a *network management center O&M* connected to a mobile switching center MSC.² In Suonvieri '158, the repeater 1 is adapted to receive a traffic channel list sent by the base station BSC, the traffic channel list is compared 4 with the traffic channels used by the repeater 1, and an alarm is given if the traffic channels used by the repeater 1 differ from the traffic channels included in the traffic channel list.³ However, Suonvieri '158 ***fails to teach or suggest*** the claimed associating a dummy station to one of said at least one group, the dummy station ***configured to materialize into a real station***. The outstanding Office Action asserts that Suonvieri '158's network

¹ See Suonvieri '158 in the Abstract.

² See Suonvieri '158 at column 3, lines 49-66.

³ See Suonvieri '158 for example in the Abstract, at column 3, lines 21-29 and in the flowchart of Figure 1.

management center O&M reads upon the claimed dummy station⁴ and the December 28, 2005 Advisory Action indicates that the dummy station is interpreted as defined by the claim language. However, amended independent Claims 11 and 20 newly recite that the dummy station is configured to materialize into a real station, and accordingly, a network management center cannot read upon the claimed dummy station. In Suonvieri ‘158, the O&M center is responsible for managing the mobile switching center MSC and receive messages from the repeater 1.⁵ First, the O&M is associated to the MSC and not to any particular base station controller, and second, since the O&M cannot work as a base station itself, it cannot be considered a dummy station configured to materialize into a real station.

Claim 11 further recites the “reallocating resources of the dummy station to the at least one relay station after said setting-up.” As explained above, in Suonvieri ‘158, a traffic channel list is *sent by the base station* to the repeater.⁶ Accordingly, Applicant believes that Suonvieri ‘158 fails to teach or suggest the reallocating of resources of the dummy station to the at least one relay station after the setting-up.

Applicant further respectfully submits that the secondary reference Suonvieri ‘284, used by the outstanding Office Action as a basis for the 35 U.S.C. §103(a) rejection, does not remedy the deficiencies of Suonvieri ‘158, as next discussed.

Suonvieri ‘284 describes the integrating of a repeater management into the management system of a wireless telecommunication network, wherein each repeater R1, R2, R3 is sent an update message B1, B2, B3 containing parameters for reconfiguring the repeater.⁷ The network management system NMS sends the update messages to the individual repeaters.⁸ Suonvieri ‘284 is silent on the use of dummy stations, and also does

⁴ See the outstanding Office Action at page 3, lines 14-16.

⁵ See Suonvieri ‘158 at column 4, lines 22-33.

⁶ See Suonvieri ‘158 at column 1, lines 53-58.

⁷ See Suonvieri ‘284 in the Abstract.

⁸ See Suonvieri ‘284 at column 6, lines 20-43.

not teach or suggest the reallocating of resources of the dummy station to the at least one relay station after said setting-up, as recited in Applicant's independent claims.

Therefore, even if the combination of Suonvieri '158 and Suonvieri '284 is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach the claimed associating a dummy station to one of said at least one group, the dummy station configured to materialize into a real station, and also fail to teach or suggest the reallocating of resources of the dummy station to the at least one relay station after said setting-up. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.⁹

In response to the rejection of Claims 16-17 and 23 under 35 U.S.C. §103(a), since the independent claims are believed to be allowable, dependent Claims 16-17 and 23 are also believed to be allowable. Further, the reference Hazeltine does not remedy the deficiencies of Suonvieri '158 and Suonvieri '284. Hazeltine disclose a communication platform for high-reliable radio communications, but does not disclose the above noted features regarding the associating of a dummy station to one of the at least one group, the dummy station being configured to materialize into a real station, and also does not teach or suggest the reallocating of resources of the dummy station to the at least one relay station after the setting-up. Therefore, even if the combination of Hazeltine with Suonvieri '158 and/or Suonvieri '284 is assumed to be proper, the combination fails to teach or suggest every element of the claimed invention.

Furthermore, the applied references fail to teach or suggest features of Applicant's amended, dependent Claim 15. Since in Suonvieri '158's network management center O&M can send control signals to the repeaters 1 thereby controlling the O&M the repeaters 1 and

⁹ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

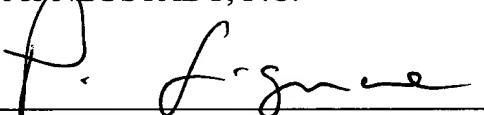
the transceiver units MS' in a centralized way, and Suonvieri '158's O&M does not read upon the claimed dummy station, as explained above, Suonvieri '158 fails to teach or suggest the allocating resources of the dummy station to the at least one relay station by a *local activation of the allocating in the dummy station*, as recited in amended, dependent Claim 15. The other references Suonvieri '284 and Hazeltine also fail to teach or suggest such a feature.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 11-26 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Philippe J.C. Signore
Registration No. 43,922

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)